IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 960 of 2005 (S/S)

Smt. Sunita Bamjwal
W/o Sri Jayanti Prasad Bamjwal
Assistant Teacher
Primary School Ropa Block Dasholi
District Chamoli ……..Petitioner

Versus

1. State of Uttaranchal through Secretary
   Primary & Secondary Education
   Government of Uttaranchal, Dehradun
2. District Education Officer
   Chamoli at Gopeshwar
3. District Education Officer (Basic) / B.S.A.
   Chamoli at Gopeshwar ……..Respondents

Sri Pankaj Purohit, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the respondents

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005 (annexure No. 4 to the petition) passed by the respondent No. 2.

Brief facts giving rise to this petition are that the petitioenr joined his duties in the year 1999 as Assistant Teacher in Government Primary School Syanri, Block Ghat in District Chamoli.

The respondent No. 2 i.e. District Education Officer, Chamoli at Gopeshwar transferred the petitioner from Government Primary School Shyanri, Block Ghat, Chamoli to Primary School Ropa Block Dasoli, District Chamoli vide impugned transfer order dated 30.06.2005.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has argued that the petitioner had already worked for 5 years in very remote area *(Durgam) and also*

submitted that at the time of issuing transfer order, the respondent did not consider her case as per the Government Order relation to the transfer policy of the teachers.

Learned counsel for the petitioner placed before me Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

In view of the above mentioned G.O., the petitioner is entitled for *Sugam Area* but this fact has also been overlooked by the respondent No. 3 while passing the impugned transfer order.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

The record shows that the petitioner has already made a representation before the respondent No. 3 i.e. District Education Officer, Chamoli on 12.07.2005 which has been filed as annexure 5 to the petition and that representation is yet to be decided.

In view of above discussion, the respondent No. 3 is directed to decide the representation of the petitioner dated 12.07.2005 provided the petitioenr shall file the certified copy of the judgment passed by this Court within a period of 15 days and the respondent No. 3 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 15 days by passing the speaking and reasoned order.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

15.07.2005
ASWAL